

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:19-CR-100-D

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
v.                            )                           **ORDER**  
                                )  
ROBERT HUGHES WILKINS, )  
                                )  
Defendant.                 )

On January 14, 2021, the court held a lengthy hearing concerning defendant Robert Hughes Wilkins's motion to remove counsel Damon Chetson and appoint another counsel [D.E. 180]. During the hearing, the court discussed defendant's motion, his counsel's response [D.E. 183], and the governing law. See, e.g., Morris v. Slappy, 461 U.S. 1, 13–14 (1983); United States v. Horton, 693 F.3d 463, 466–67 (4th Cir. 2012); United States v. Smith, 640 F.3d 580, 588 (4th Cir. 2011); United States v. Johnson, 114 F.3d 435, 442 (4th Cir. 1997); United States v. Morsley, 64 F.3d 907, 918 (4th Cir. 1995); United States v. Corporan-Cuevas, 35 F.3d 953, 956 (4th Cir. 1994); United States v. Burns, 990 F.2d 1426, 1437–38 (4th Cir. 1993). Defendant's motion was timely and the court exhaustively inquired into the relationship between defendant and his counsel Damon Chetson.

During the hearing, the court recounted the extraordinary number of lawyers who had appeared in the case (retained and appointed) for defendant and discussed the 14 motions to continue his arraignment that the defendant filed and the court granted. See [D.E. 41, 50, 53, 65, 84, 103, 112, 126, 131, 137, 148, 154, 168, 177]. The court also noted that the motions deadline expired on October 16, 2020, and the arraignment was set for the February 2021 term. See [D.E. 168] 1; [D.E.

177]. Attorney Damon Chetson entered his notice of appearance on November 6, 2020, and is prepared to represent defendant at trial or in any non-trial disposition. See [D.E. 175]; [D.E. 183].

During the hearing, the court also reviewed the letters that defendant filed complaining about eight of the nine lawyers who had appeared and represented him. See, e.g., [D.E. 124, 159, 160, 169, 172, 178, 178-1, 180, 181, 182, 185, 186, 187, 188]. The court found that the attorney/client conflict between Damon Chetson and the defendant was not so great as to result in a total lack of communication preventing an adequate defense. To the extent there were communication issues between defendant and Damon Chetson, those issues arose due to defendant's belligerence or failure to understand counsel's role. See Morsley, 64 F.3d at 918; see also [D.E. 183]. Moreover, the appointment of yet another lawyer would not change defendant's situation. Defendant's complaints are materially indistinguishable from his complaints about his prior court-appointed lawyers, particularly Hayes Ludlum and Christian Dysart. Notably, Hayes Ludlum, Christian Dysart, and Damon Chetson are among the finest criminal defense lawyers on this court's CJA Panel.

Toward the end of the hearing, the court told defendant that it would not discharge Damon Chetson and appoint another lawyer. Defendant then asked to represent himself pro se instead of having Damon Chetson represent him. After discussing the perils of self-representation, the court found defendant knowingly and voluntarily chose to represent himself. The court appointed Damon Chetson as standby counsel.

In sum, defendant's motion to remove counsel and appoint another counsel [D.E. 180] is DENIED. The arraignment will take place on February 9, 2021, at 9:00 a.m. At the arraignment, the parties shall be prepared to discuss proposed trial dates.

The court finds that the ends of justice served by granting this extension outweigh the best interests of the public and the defendant in a speedy trial. The period of delay necessitated by this

extension is excluded from speedy trial computation pursuant to 18 U.S.C. § 3161(h)(7)(A). The delay will permit defendant and the government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence and the pandemic. See id. § 3161(h)(7)(B)(iv).

SO ORDERED. This 14-day of January 2021.

J. Dever  
JAMES C. DEVER III  
United States District Judge